

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION

UNITED STATES OF AMERICA, §
Plaintiff, §
v. § CIVIL ACTION NO.
§
\$176,840 UNITED STATES CURRENCY §
§
Defendant. §

**VERIFIED COMPLAINT FOR CIVIL FORFEITURE
IN REM AND NOTICE TO POTENTIAL CLAIMANTS**

Plaintiff, the United States of America, by and through the United States Attorney, Alamdar S. Hamdani, and the undersigned counsel, Mary Ellen Smyth, Assistant United States Attorney, files this action for forfeiture *in rem* against the above-captioned property. The United States respectfully alleges on information and belief as follows:

JURISDICTION AND VENUE

1. This Court has jurisdiction pursuant to 28 U.S.C. §§ 1345 and 1355. The seized currency is in the Southern District of Texas and is within the jurisdiction of this Court.
2. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1355, 1391(b) and 1395(a) and (b). Acts and omissions giving rise to forfeiture occurred in the Southern District of Texas.

PROPERTY SUBJECT TO FORFEITURE

3. The property is described as follows: \$176,840 in United States currency (the “seized currency”), which was seized after a traffic stop on May 31, 2023 from David Loera Vasquez.

4. On or about October 27, 2023, Adriana Jones submitted a claim through her attorney, Samuel Mitchell, to the Drug Enforcement Agency (hereinafter DEA”) contesting administrative forfeiture of the seized Currency.

STATUTORY BASIS FOR FORFEITURE

5. The seized currency is subject to forfeiture under 21 U.S.C. § 881(a)(6), which provides for the forfeiture of all monies furnished or intended to be furnished by any person in exchange for a controlled substance or listed chemical in violation of the Controlled Substances Act (21 U.S.C. § 801, *et seq.*), all proceeds traceable to such an exchange, and all moneys used or intended to be used to facilitate any violation of the Controlled Substances Act.

FACTUAL BASIS FOR FORFEITURE

6. On May 31, 2023, Hidalgo County Deputy Sheriff Jaime Garcia conducted a traffic stop of a 2016 Peterbilt tractor owned and driven by David Loera Vasquez (Vasquez) in the 36000 block of the Frontage Road in Linn, Texas. The traffic stop was due to the driver’s failure to maintain a single marked lane of traffic while driving southbound on U.S. Highway 281.

7. During the traffic stop, Deputy Garcia explained the traffic violation to Vasquez and requested consent to search the tractor which was given. Deputy Garcia deployed his narcotic detecting K-9 to perform a free air sniff of the tractor. The K-9 alerted positively to an odor of narcotics emitting

from inside the tractor's cab. Deputy Garcia proceeded to search the cab area and located a hidden compartment underneath the closet behind the driver's seat. Before continuing his search, Deputy Garcia contacted DEA Special Agent Diego Marrufo who arrived at the location of the traffic stop to assist in the vehicle search.

8. After removing items that were in the closet, Special Agent Marrufo located a false compartment underneath the floor. Five (5) vacuum sealed packages wrapped in aluminum foil were discovered therein. The packages contained bulk United States currency. Vasquez was taken into custody by Deputy Garcia and the tractor was driven to the Hidalgo County Sheriff's Department parking lot where an inventory search was conducted. An additional \$9,000.00 United States currency was found in a brown backpack on a top bunk of the sleeper compartment. The total amount of currency seized after the traffic stop was \$152,000.00.

9. On June 3, 2023, and in furtherance of the investigation, DEA Special Agents Marrufo and Alfonso Perez together with Deputy Garcia conducted a second search of the Peterbilt tractor, which had been parked in the Hidalgo County Sheriff's Department parking lot since May 31, 2023. During the search, an additional amount of United States currency, totaling \$15,840, was discovered hidden between the mattress cover and mattress in the tractor sleeper compartment.

10. The total amount of currency seized from the tractor was \$176,840.00.

CONCLUSION

11. Based on the foregoing facts, there is probable cause to believe that the seized currency was money intended to be furnished in exchange for a controlled substance in violation of the Controlled Substances Act, 21 U.S.C. § 801, et. seq., or was proceeds traceable to such an exchange, or was used or intended to be used to facilitate any violation of the Controlled Substances Act, 21 U.S.C. § 801, et seq.

NOTICE TO ANY POTENTIAL CLAIMANT

YOU ARE HEREBY NOTIFIED if you assert an interest in the seized property subject to forfeiture and want to contest the forfeiture, you must file a verified claim which fulfills the requirements set forth in Rule G of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions. The verified claim must be filed no later than thirty-five (35) days from the date this complaint was sent to you, in accordance with Rule G(4)(b); or, if this Complaint was not sent to you, no later than 60 days after the first day of publication of notice on an official internet government forfeiture site, in accordance with Rule G(5)(a)(ii)(B).

An answer or a motion under Federal Rule of Civil Procedure 12 must be filed no later than twenty-one (21) days after filing the claim. The claim and answer must be filed with the United States District Clerk for the Southern District of Texas, 1300 Victoria, Laredo, Texas, 78040. A copy must also be served upon the undersigned Assistant United States Attorney either electronically or at the address provided in this Complaint.

RELIEF REQUESTED

The United States will serve notice, along with a copy of the Complaint, on any other persons who reasonably appear to be potential claimants in this matter. The United States seeks a final judgment forfeiting the seized currency to the United States and any other relief to which the United States may be entitled.

Respectfully submitted,

ALMADAR S. HAMDANI
United States Attorney

/s/ Mary Ellen Smyth
Mary Ellen Smyth
Assistant United States Attorney
Texas Bar: 18779100
SDTX Admission: 31348
11204 McPherson Road, Suite 100A
Laredo, Texas 78040
Ofc: 956-723-6523-9571
Email: Mary.Ellen.Smyth@usdoj.gov

VERIFICATION

I, Diego A. Marrufo, a special agent with the Drug Enforcement Administration (DEA), declare under the penalty of perjury, as provided by 28 U.S.C. § 1746, that I have read the foregoing Verified Complaint for Civil Forfeiture In Rem and Notice to Potential Claimants, and that the facts stated in paragraphs 6-10 are based upon my personal knowledge, upon information obtained from other law enforcement personnel, or upon information I obtained in the course of my investigation, and they are true and correct to the best of my knowledge and belief.

Executed on the 5th day of February 2024.



Diego A. Marrufo,
Special Agent
Drug Enforcement Administration